Calendar No. 765

99TH CONGRESS
2d Session

SENATE

REPORT
99-363

INCREASING THE DEVELOPMENT CEILING AT ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE AND FOR OTHER PURPOSES IN THE STATE OF PENNSYLVANIA

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1963]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1963) to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

H.R. 1963, as reported, would increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and authorize the Secretary of the Interior to enter into a cooperative agreement with the Johnstown Flood Museum Association to provide for the preservation and interpretation of the Johnstown Flood Museum.

BACKGROUND AND NEED

The Allegheny Portage Railroad National Historic Site was authorized as a unit of the National Park System on August 31, 1964, to interpret the story of the Pennsylvania Mainline Transportation System and its components of canals and railroads. The Johnstown Flood National Memorial was also set aside on August 31, 1964, to commemorate the tragic Johnstown Flood which killed some 2,200 people and reduced Johnstown to shambles on May 31, 1889.

H.R. 1963 increases the development ceiling by $9.8 million for Allegheny Portage Railroad National Memorial. The funds are

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sought to enable the Park Service to undertake park development projects contained in the 1980 general management plan for the two park units. These projects include construction of a visitor center for the Johnstown Memorial; rehabilitation of the historic Lemon House at Allegheny Portage for visitor and administrative use; stabilization of historic structures; and trail and road upgrading. The new development ceiling would be effective October 1, 1986.

The Act also authorizes the Secretary of the Interior to enter into a cooperative agreement to provide technical and financial assistance to the Johnstown Flood Museum. The measure limits any Federal contribution made to the Johnstown Flood Museum Association to not more than 50 percent of the museum's operation and maintenance costs. Any financial assistance given by the Secretary must be matched by the Museum Association with non-Federal funds, services, materials, or any combination thereof. The Secretary is also authorized to accept the donation of the building and collection owned by the Johnstown Food Museum Association.

Legislative History

H.R. 1963 was introduced by Representative Murtha on April 3, 1985. The measure was pased by the House or Representatives on September 30, 1985. On February 21, 1986, the Subcommittee on Public Lands, Reserved Water Resources Conservation held a hearing on H.R. 1963.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Reources ordered H.R. 1963 favorably reported.

Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1963.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield *	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski *	
Mr. Nickles	
Mr. Hecht	
Mr. Evans *	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum *	
Mr. Bradley *	
Mr. Bingaman *	

Mr. Rockefeller *

* Indicates vote by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 23, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Dirksen Senate Office Buildings, Washington, DC

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1963, an act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner, *Director.*

Congressional Budget Office Cost Estimate

1. Bill number: H.R. 1963.

2. Bill title: An act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, July 16, 1986.

4. Bill purpose: H.R. 1963 would authorize additional appropriations of $9.8 million beginning in fiscal year 1987 for development of the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial.

The current authorization ceiling for the two sites is about $6.1 million. To date, a total of $1.7 million has been appropriated.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Authorization Level	9.8				
Estimated Outlays	1.5	.9	2.4	1.9	1.1

The cost of this legislation fall within budget function 300.

Basis of Estimate: For purposes of this estimate, it is assumed that the entire additional amount authorized will be appropriated for fiscal year 1987. Outlays have been estimated on the basis of historical patterns for similar activities.

H.R. 1963 would authorize the Secretary of the Interior to enter into an agreement with the Johnstown Flood Museum Association to finance up to 50 percent of certain costs, including operation and maintenance. It appears that neither the Administration nor the Museum Association anticipate any federal assistance for operation and maintenance. If, however, there were such an agreement, the federal government could incur an annual cost of approximately $100,000 for its share of the operation and maintenance of the museum. No significant costs are expected to be incurred for technical assistance.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On September 23, 1985, the Congressional Budget Office prepared a cost estimate for H.R. 1963, as ordered reported by the House Committee on Interior and Insular Affairs. The estimated costs of the two versions are the same.

9. Estimate prepared by: Dave Smith and Deb Reis.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1963. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1963, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 1963 is set forth below:

U.S. Department of the Interior,
Office of the Secretary,
Washington, DC, March 26, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resoures,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: This report is supplemental to our testimony of February 21, 1986, before the Subcommittee on Public Lands, Reserved Water, and Resource Conservation on H.R. 1963 in the Senate, an act "To increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to

provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania."

Section 1 of H.R. 1963 would increase the development ceiling by $9.8 million for Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial. Section 2 would authorize the Secretary of the Interior to enter into an agreement with the Johnstown Flood Museum Association for the purpose of providing technical assistance for interpretation, operation, and maintenance of the Museum. Further, if funds are specifically appropriated for such purposes, the Secretary through the agreement is authorized to provide not more than 50 percent of the cost of financial assistance to mark, restore, interpret, operate, and maintain the Museum. Finally, the Secretary is authorized to accept the donation of the building and collection owned by the Johnstown Flood Museum Association.

On May 31, 1889, the South Fork Dam broke after a heavy rain, causing the country's first catastrophe to attract national attention since the Civil War—the Johnstown Flood. A colossal wall of water swept everything in its path to destruction, including some 2,200 people, reduced Johnstown to shambles and brought the threats of typhoid and starvation to all survivors. In the true spirit of America, organizations, individuals, and quickly-organized groups from all across the country met the challenge of helping the victims of this tragedy. The country was united behind a cause for humanity, and everyone felt a spark of national pride during a period when there was still suffering from the bitterness of Reconstruction. It is to this great spirit of America and the tragedy behind it that the Johnstown Flood National Memorial was set aside on August 31, 1964.

Due to the growing interest in the 100th anniversary of the Flood commemorated at the Johnstown Flood National Memorial, I have reviewed our previous position on H.R. 1963 and now recomend that it be enacted.

Funds authorized by H.R. 1963 could be used to implement the approved general management plan, in accordance with the estimates developed as required in paragraph (2) of section 12(b) of the Act of August 18, 1970, as amended.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Acting Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1963 as ordered reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 31, 1964

(78 Stat. 752)

AN ACT To provide for the establishment of the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

* * * * * * *

SEC. 4. *(a)* To provide for preservation and interpretation of the remaining portions of the Allegheny Portage Railroad route not included within the national historic site, and to further commemorate the Johnstown flood, the Secretary is authorized to enter into cooperative agreements with the State of Pennsylvania, political subdivisions thereof, corporations, associations, or individuals, and to erect and maintain tablets or markets in accordance with the provisions contained in the Act approved August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (49 Stat. 666).

(b) In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to enter into an agreement with the Johnstown Flood Museum Association pursuant to which the Secretary may—

(1) provide technical assistance to mark, restore, interpret, operate, and maintain the Johnstown Flood Museum, and

(2) with funds appropriated specifically for the purpose, provide financial appropriated assistance to mark, restore, interpret, operate, and maintain the museum.

No Federal funds may be used to provide financial assistance to the Johnstown Flood Museum Association until the agreement referred to in this subsection has been executed. Financial assistance under paragraph (2) shall not cover more than 50 percent of the costs described in paragraph (2). The remaining share of such costs shall be provided from non-Federal funds, services, or materials, or any combination thereof. The Secretary may also accept the donation of the building and collection owned by the Johnstown Flood Museum Association and the parcel of land on which such building is situated. Following acceptance by the Secretary, such parcel shall be included within the boundary of the Johnstown Flood National Memorial without regard to any acreage limitations set forth in any other provision of law.

SEC. 5. *(a)* There are authorized to be appropriated such sums, but not more than $2,244,600, for land acquisition and development, as may be necessary to carry out the purposes of this Act.

(b) In addition to such sums as may have been authorized for development prior to the enactment of this subsection, effective October 1, 1986, there is authorized to be appropriated not to exceed $9,800,000 for the purposes of development at both Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial.

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